

**STATE OF NEW JERSEY
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF ALCOHOLIC BEVERAGE CONTROL**

IN THE MATTER OF THE APPLICATION)	SPECIAL RULING SUSPENDING
REQUESTING PERMISSION FOR DISTILLED)	ENFORCEMENT OF ANY VIOLATIONS BY
SPIRITS MANUFACTURERS TO PRODUCE)	PLENARY DISTILLERY LICENSEES AND
HAND SANITIZER OR DISTILLED SPIRITS)	CRAFT DISTILLERY LICENSEES FOR
FOR USE IN HAND SANITIZER DURING THE)	PRODUCTION OF HAND SANITIZER OR
COVID-19 PANDEMIC)	DISTILLED SPIRITS TO BE USED FOR HAND
		SANITIZER

BY THE ACTING DIRECTOR:

On March 9, 2020, Governor Murphy declared a Public Health Emergency and State of Emergency to protect the residents of the State from the health hazard posed by COVID-19. Since the outbreak, health professionals and consumers have had difficulty obtaining adequate supplies of hand sanitizer. The Division of Alcoholic Beverage Control (the "Division") has received several inquiries from the craft distillery industry requesting permission to manufacture hand sanitizer using distilled spirits (ethanol). We are aware that several states are allowing these types of licensees to manufacture hand sanitizer and distilled spirits for that purpose. The Federal Alcohol and Tobacco Tax and Trade Bureau ("TTB") has issued guidance finding it "necessary or desirable to waive provisions of internal revenue law with regard to distilled spirits, and therefore is providing certain exemptions and authorizations to distilled spirits permittees ("DSPs") who wish to produce ethanol-based hand sanitizers to address the demand for such products during this emergency." TTB G 2020-1. <https://www.ttb.gov/public-guidance/ttb-pg-2020-1>. The Food and Drug Administration ("FDA"), which regulates the manufacture of hand sanitizer, has also issued guidance invoking their discretion to allow hand sanitizer to be made as requested by the distilleries. <https://www.fda.gov/media/136289/download>

The manufacturing of hand sanitizer and distilled spirits to be used in hand sanitizer by distilled spirits manufacturing licensees is outside the scope of our distillery licenses. In light of the emergency, however, the Division will exercise its discretion and will take no regulatory action against such activity. The TTB waiver is effective through June 30, 2020, and that may be extended as necessary. The Division will suspend enforcement of any violations by Plenary Distillery Licenses and Craft Distillery Licenses related to the manufacture of hand sanitizer and distilled spirits to be used in hand sanitizer for as long as the TTB guidance remains in effect. Licensees are required to follow all TTB guidance, regulations and requirements. In addition, licensees who manufacture hand sanitizer and distilled spirits to be used in hand sanitizer shall review and adhere to guidance issued by the FDA, Temporary Policy for Preparation of Certain Alcohol-Based Hand Sanitizer Products During the Public Health Emergency (COVID-19) Guidance for Industry. Id.

Accordingly, Plenary Distillery Licensees and Craft Distillery Licensees may manufacture hand sanitizer as well as distilled spirits which are intended to be used in hand sanitizer for such time as the TTB waiver is in effect. Distilleries wishing to manufacture hand sanitizer or ethanol to be used for hand sanitizer must notify the Division at ABCpublic@NJOAG.GOV. The email shall include the name, address and ABC License No. of the distillery, a description of the product to be manufactured and the intended disposition of the product (i.e. sold or donated and to whom). Otherwise, no formal application or request need be submitted to the Division. All TTB and FDA requirements must be followed.


JAMES B. GRAZIANO
ACTING DIRECTOR

Dated: April 5, 2020

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